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| 10/067,297 | 02/07/2002 | Satoru Watanabe | 1405.1057 | 7075 |
| 21171 7590 01/24/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | EXAMINER ALAM, UZMA | |
| | | | ART UNIT 2157 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/067,297

Applicant(s)

WATANABE ET AL.

Examiner

Uzma Alam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the amendment filed October 25, 2006. Claims 26-28 have been cancelled. Claims 1-25 are pending. Claim 25 is a non-elected claim and is withdrawn from consideration. Claims 1 and 22-24 have been amended. Claims 1-24 represent an information distribution method.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch US Patent No. 6,487,600 in view of Evgey US Patent Publication No. 2002/0120783. Lynch teaches the application as claimed including system and method for supporting multimedia communication (see abstract). Evgey teaches sending files through the Internet to an unlimited number of recipient user a personal computer and peer-to-peer computing.

As per claims 1, 22, 23 and 24 Lynch teaches an information-distribution method, device, computer readable recording medium, and computer product utilized by a computer connected to user terminals via a network, the information-distribution method including:

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a designation-accepting step of accepting from any of the user terminals, being a designator, designation of at least any other among the user terminals (a network friend; column 6, lines 1-67; column 8, lines 41-63, column 21, lines 28-40; column 22, lines 15-25; column 32, lines 10-51);

a storing step of storing, by the computer, a buddy list in which at least one designator-user identifier identifying any user terminal that is a designator in said designation-accepting step, is correlated with a designee-user identifier identifying the at least one other user terminal designated in said designation-accepting step (a network member; column 6, lines 1-67; column 8, lines 41-63, column 21, lines 28-40; column 22, lines 15-25; column 32, lines 10-51; column 15, lines 6-56; Figure 8, Figure 12);

an information-accepting step of accepting, from a first user terminal being a distributor among the user terminals, informational content to be distributed (network member is authenticated; column 6, lines 1-67; column 8, lines 41-63, column 21, lines 28-40; column 22, lines 15-25; column 32, lines 10-51);

a distribution-condition-accepting step of accepting from the distributor-user terminal a distribution condition according to which the distribution content accepted in said information accepting step is distributed (a network friend setting distribution rules; column 6, lines 1-67; column 8, lines 41-63, column 21, lines 28-40; column 22, lines 15-25; column 32, lines 10-51);

a distributee-candidate-determining step of determining one or more distributee-candidate terminals to which the distribution content will be distributed, the distributee-candidate terminals being at least one selected, in accordance with the distribution condition, from second user terminals among the designee-user terminals stored, in said storing step, correlatively with the

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designator-user identifier identifying the distributor-user terminal (determining which network member receives certain information and transferring that information to that user, either directly or through a network friend; column 14, lines 49-59; column 40, lines 15-52; column 41, lines 24-62; column 42, lines 1-27);

Lynch does not teach: a first distribution step of transmitting, by the computer, the distribution content accepted in said information-accepting step to the one or more distributee-candidate terminals;

a second distribution step of transmitting the distribution content, by the user terminal having received the distribution content to some or all of one or more third user terminals that are registered in the buddy list of the distribute candidate terminals; and

a distribution-catenating step of sending the distribution content one after another to the third user terminal that the user terminal has received the distribution content designates by the repeating the second distribution step.

Evgey teaches a first distribution step of transmitting, by the computer, the distribution content accepted in said information-accepting step to the one or more distributee-candidate terminals;

(Figure 1, 10, pp 0010);

a second distribution step of transmitting the distribution content, by the user terminal having received the distribution content to some or all of one or more third user terminals that are registered in the buddy list of the distribute candidate terminals (pp 0024, 0030); and

a distribution-catenating step of sending the distribution content one after another to the third user terminal that the user terminal has received the distribution content designates by the repeating the second distribution step (pp 0024, 0030).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the network of Lynch with the peer to peer connection of Evey. A person of ordinary skill in the art would have been motivated to do this to decrease the load on one central server computer.

As per claim 2, Lynch and Evgey teach the information-distribution method set forth by claim 1, wherein said distribution-condition-accepting step includes receiving from the first user terminal selection of the at least one distributee-candidate terminal (network members selecting other network members; column 9, lines 16-67; column 10, lines 6-43).

As per claim 3, Lynch and Evgey teach the information-distribution method set forth by claim 1. Lynch does not teach wherein said distribution-condition-accepting step includes receiving a stop condition for stopping said distribution-catenating step. Evgey teaches wherein said distribution-condition-accepting step includes receiving a stop condition for stopping said distribution-catenating step. See pp 0024. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the network of Lynch with the peer to peer connection of Evey. A person of ordinary skill in the art would have been motivated to do this to decrease the load on one central server computer.

As per claim 4, Lynch and Evgey teach the information-distribution method set forth by claim 3, wherein said stoppage-receiving step includes: recording stop-condition candidates that are alternatives for the stop condition; and accepting selection of at least one of the stop-condition candidates (when a network member is not authenticated, he is not allowed to join the network and share the information with other members; column 7, lines 6-59; column 8, lines 1-40; column 10, lines 44-67; column 13, lines 23-50; column 14, lines 14-29; column 16, lines 60-67; column 26, lines 15-59).

As per claim 5, Lynch and Evgey teach the information-distribution method set forth by claim 3, wherein said stoppage-receiving step includes: recording stop-condition candidates that are alternatives for the stop condition (when a network member is not authenticated, he is not allowed to join the network and share the information with other members; column 7, lines 6-59; column 8, lines 1-40; column 10, lines 44-67; column 13, lines 23-50; column 14, lines 14-29; column 16, lines 60-67; column 26, lines 15-59); and

accepting selection of at least one of the stop-condition candidates; wherein the stop-condition candidates include a maximum count of user terminals that distribute the distribution content (closing the session for future members when a maximum is reached; column 16, lines 55-67).

As per claim 6, Lynch and Evgey teach the information-distribution method set forth by claim 3, wherein said distribution-condition-accepting step includes: recording stop-condition

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candidates that are alternatives for the stop condition; and accepting selection of at least one of the stop condition candidates (when a network member is not authenticated, he is not allowed to join the network and share the information with other members; column 7, lines 6-59; column 8, lines 1-40; column 10, lines 44-67; column 13, lines 23-50; column 14, lines 14-29; column 16, lines 60-67; column 26, lines 15-59);

wherein the stop-condition candidates include a depth-level restriction indicating path length between the first user terminal and user terminals to which the distribution content is distributed (column 14, lines 14-29).

As per claim 7, Lynch and Evgey teach the information-distribution method set forth by claim 3, further including:

a status-receiving step of receiving, from reporter-user terminals among the user terminals, status reports on the users (the network friend determines if a network member is available or not; column 7, lines 6-59; column 8, lines 1-40; column 10, lines 44-67; column 13, lines 23-50; column 14, lines 14-29; column 16, lines 60-67; column 26, lines 15-59); and a status-storing step of storing the statuses received in said status-receiving step correlatively with user identifiers identifying the reporter-user terminals; wherein said distribution-condition-accepting step includes recording stop-condition candidates that are alternatives for the stop condition, and accepting selection of at least-one of the stop-condition candidates; the stop-condition candidates therein including a restriction per the status, recorded in said status-storing step, of users distributing the distribution content (when a network member is not authenticated, he is not allowed to join the network and share the information with other members; column 7,

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lines 6-59; column 8, lines 1-40; column 10, lines 44-67; column 13, lines 23-50; column 14, lines 14-29; column 16, lines 60-67; column 26, lines 15-59).

As per claim 8, Lynch and Evgey teach the information-distribution method set forth by claim 3, wherein said distribution-condition-accepting step includes: recording stop-condition candidates that are alternatives for the stop condition; and accepting selection of at least one of the stop-condition candidates; wherein the stop-condition candidates include an expiration date for distributing the distribution content (when a network member is not authenticated, he is not allowed to join the network and share the information with other members; column 7, lines 6-59; column 8, lines 1-40; column 10, lines 44-67; column 13, lines 23-50; column 14, lines 14-29; column 16, lines 60-67; column 26, lines 15-59).

As per claim 9, Lynch and Evgey teach the information-distribution method set forth by claim 1, wherein: the distribution content contains a request by the user operating the first user terminal; and said distribution-condition-accepting step includes accepting a fulfillment condition that serves as a judgment criterion for judging whether or not the request has been met (authenticating network members based on tokens or log-on; column 27, lines 10-52).

As per claim 10, Lynch and Evgey teach the information-distribution method set forth by claim 9, wherein said distribution-condition-accepting step further includes: storing fulfillment-condition candidates that are alternatives for the fulfillment conditions; and accepting selection of at least one of the fulfillment-condition candidates (authenticating network members based on

tokens or log-on; column 27, lines 10-52).

As per claim 11, Lynch and Evgey teach the information-distribution method set forth by claim 1, wherein: the distribution content contains a request by the user operating the first user terminal; and said distribution-condition-accepting step includes accepting a fulfillment condition that serves as a judgment criterion for judging whether or not the request has been met, and accepting a response to, if the fulfillment condition has been met, user terminals to which the distribution content has been distributed and/or the first user terminal (connecting a network member to a metanetwork for distributing information if a member is authenticated; column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

As per claim 12, Lynch and Evgey teach the information-distribution method set forth by claim 11, wherein said distribution-condition-accepting step further includes: storing response candidates that are alternatives for the responses; and accepting selection of at least one of the response candidates (column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

As per claim 13, Lynch and Evgey teach the information-distribution method set forth by claim 11, wherein said distribution-condition-accepting step further includes: storing response candidates that are alternatives for the responses, and accepting selection of at least one of the response candidates; wherein the response candidates include a response reporting, to user

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terminals to which the distribution content has been distributed and/or the first user terminal, that the fulfillment condition has been satisfied (column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

As per claim 14, Lynch and Evgey teach the information-distribution method set forth by claim 11, wherein said distribution-condition-accepting step further includes: storing response candidates that are alternatives for the responses, and accepting selection of at least one of the response candidates; wherein the response candidates include a response reporting to the first user terminal user identifiers identifying user terminals that have contributed to satisfying the fulfillment condition (network members join based on availability; column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

As per claim 15, Lynch and Evgey teach the information-distribution method set forth by claim 11, wherein said distribution-condition-accepting step further includes: storing response candidates that are alternatives for the responses, and accepting selection of at least one of the response candidates; wherein the response candidates include a response reporting, to user terminals to which the distribution content has been distributed and/or the first user terminal, the distribution content the fulfillment condition for which has been satisfied (column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

As per claim 16, Lynch and Evgey teach the information-distribution method set forth by claim 11, further including: a response-receiving step of receiving a response from a user terminal to which the distribution content has been distributed; a judgment step of judging, based on the response received in said response-receiving step, whether or not the fulfillment condition has been satisfied; and a response-execution step, if the fulfillment condition has been satisfied, of executing the response, received in said response-receiving step, to the user terminals to which the distribution content has been distributed and/or the first user terminal (column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

As per claim 17, Lynch and Evgey teach the information-distribution method set forth by claim 1, further including: a receiving-conditions step of receiving, from setter-user terminals among the user terminals, settings as to receiving conditions that serve as criteria for judging whether or not to receive the distribution content transmitted through said first distribution step or said second distribution step; a receiving-conditions storing step of storing the receiving conditions correlatively with user identifiers identifying the setter-user terminals; a reception-satisfying step of judging, prior to executing said first distribution step or said second distribution step, whether or not the receiving conditions per the distributee-candidate terminals or the third user terminals are satisfied; and a transmission-regulating step of, in accordance with the judgment results from said reception-satisfying step, executing or terminating execution of said first distribution step or said second distribution step (column 16, line 16-49; column 39,

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lines 23-67).

As per claim 18, Lynch and Evgey teach the information-distribution method set forth by claim 1, further including: a forwarding-conditions step of receiving, from setter-user terminals among the user terminals, settings as to forwarding conditions that serve as criteria for judging whether or not to transmit to some or all of the third user terminals the distribution content transmitted through said second distribution step; a forwarding-conditions storing step of storing the forwarding conditions correlatively with user identifiers identifying the setter-user terminals; a forwarding-satisfying step of judging, prior to executing said second distribution step, whether or not the forwarding conditions per the user terminals to which the distribution content has been distributed are satisfied; and a forwarding-regulating step of, in accordance with the judgment results from said forwarding-satisfying step, executing or terminating execution of said second distribution step (column 16, line 16-49; column 39, lines 23-67).

As per claim 19, Lynch and Evgey teach the information-distribution method set forth by claim 1, wherein in said second distribution step a judgment is made as to whether or not the third user terminals include any user terminals to which the distribution content has already been transmitted, and the distribution content is transmitted to some or all of the third user terminals apart from any user terminals to which the distribution content has already been transmitted (column 16, line 16-49; column 39, lines 23-67).

As per claim 20, Lynch and Evgey teach the information-distribution method set forth by claim 1, further including: an incentive-storing step of storing incentive criteria for determining incentives offered to user terminals having received and/or transmitted the distribution content; and an incentive-offering step of offering, to the user terminals having received and/or transmitted the distribution content, incentives in accordance with the incentive criteria (column 16, line 16-49; column 39, lines 23-67).

As per claim 21, Lynch and Evgey teach the information-distribution method set forth by claim 1, wherein: said storing step includes, when storing the user identifier identifying the designator-user terminal, correlatively with the at least one designee user identifier, grouping the designee user identifiers, if more than one, and storing them group-by-group correlatively with group names; said distribution-condition-accepting step accepts, as a distribution condition, identicalness or similarity between associations of the group names; and said distributee-candidate-determining step includes judging whether or not a group name stored correlatively with a first-order user identifier is identical with or similar to a group name designated by the distribution condition, and determining a user terminal stored correlatively with a group name judged to be an identical or similar user terminal to be a candidate terminal to which the distribution content is distributed (column 16, line 16-49; column 39, lines 23-67).

Response to Arguments

2. Applicant's arguments filed October 18, 2006 have been fully considered but they are not persuasive.

The Office Action notes the following arguments presented by the Applicant in the response dated October 18, 2006:

a. Evgey does not disclose a configuration in which a user terminal having received information to distribute within a network determines another user terminal registered in its buddy list to be the next destination of the information.

b. Lynch fails to teach or suggest at least “a distribution condition accepting step of accepting by the computer from the distributor terminal a distribution condition according to which the distribution content accepted in said information accepting step is distributed.”

c. There is no motivation to combine the prior art references.

In response to

a. Applicant's arguments with respect to claims 1, 22-24 have been considered but are moot in view of the new ground(s) of rejection. The buddy list is taught in Lynch in column 22, lines 55-67. Lynch teaches that every user has a specific list of peers that it can communicate with. The buddy list is also taught in Evgey in paragraph 0030 where each user forward information to the next user in the list established by the group that they belong to.

b. Lynch teaches communication rules that are used by network members when sending information with the network. See column 7, lines 39-59. The communication rules include suggestion rules and backoff rules and link formation rules. These communication rules read on the “distribution condition” of the cited claim.

c. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or

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modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lynch teaches that there is a network of peers in which information is distributed. Lynch does not teach that information is distributed in a concatenating manner. Evey teaches that the information is concatenated with a list of users. A person of ordinary skill in the art would have been motivated to do this to decrease the load on one central server computer so that the information is distributed from one user to another within a specific list of users in a particular network and not to all the users of the private network (Lynch column 6, lines 13-55).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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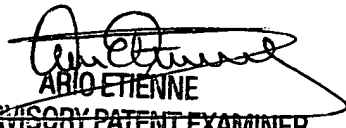
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam
ua
January 22, 2007


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